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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,198	12/01/2003	Paul Y. Moreton	02-40068-US-CON (932702.2)	9830
7590 REED SMITH LLP 2500 One Liberty Place 1650 Market Street Philadelphia, PA 19103-7301				
07/22/2008				
EXAMINER KOPPIKAR, VIVEK D				
ART UNIT		PAPER NUMBER		
3626				
MAIL DATE		DELIVERY MODE		
07/22/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/725,198

Applicant(s)

MORETON ET AL.

Examiner

VIVEK D. KOPPIKAR

Art Unit

3626

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-29-35, 38, 40 and 41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-29-35, 38 and 40-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/06)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Status of the Application

1. Claims 22, 29-35,38 and 40-41 have been examined in this application. This communication is a Final Office Action in response to the "Amendment" and "Remarks" filed on May 13, 2008.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 22 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ballantyne et al. (5,867,821; hereinafter Ballantyne), in view of Evans (5,924,074) in view of Lavin (US Patent Number 5,772,585) and in even further view of Schultz (US Patent Number 5,679,643).

(A) As per currently amended claim 22, Ballantyne discloses a personal assistant system, comprising:

(1) a personal assistant (Ballantyne: abstract; col. 1, line 1-col. 2, line 63; Fig.

1-12B);

(2) an electronic physician data module for collecting, storing, processing, and referencing information, the electronic physician data module being in said personal assistant (Ballantyne:

abstract; col. 1, line 1-col. 2, line 63; Fig. 1- 12B);

(3) a sound recording device integral with said personal assistant (Ballantyne:

abstract; col. 1, line 1-col.2, line 63; Fig. 1-12B); and

(4) a dictation module for electronically storing recorded voice from said

sound recording device as a voice file, the automated dictation module

being adapted to associate said voice file with said information

(Ballantyne: abstract; col. 1, line 1-col. 2, line 63; Fig. 1-12B).

Ballantyne, however, fails to expressly disclose a personal assistant system, comprising:

(5) an automated data collection module for inputting a patient identifier and

relating said identifier with said information, the automated data collection

module being in said personal assistant;

(6) a voice to text module for translating said voice file into a text file; and

(7)an information transmission device integral with said personal assistant;

wherein the information transmission device is an alpha-numeric scanner.

Nevertheless, this feature is old and well known in the art, as evidenced by Evans and Schultz. In

particular, Evans and Schultz disclose a personal assistant system, comprising:

(5) an automated data collection module for inputting a patient identifier and

relating said identifier with said information, the automated data collection

module being in said personal assistant (Evans: abstract; col. 1, line 1-col.

3, line 43; Fig. 1-24);

(6) a voice to text module for translating said voice file into a text file (Lavin: col. 1, line 65-

col.2, line 23); and

(7) an information transmission device integral with said personal assistant;
wherein the information transmission device is an alpha-numeric scanner

(Schultz; abstract; col. 6, lines 50-61).

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of Evans with the teachings of Ballantyne with the motivation of storing medical records in personal digital assistants (Evans: col. 1, lines 5-10).

One of ordinary skill would have found it obvious at the time of the invention to combined the teachings of Lavin with the combined teachings of Ballantyne and Evans with the motivation of providing a convenient means of storing and converting data (Lavin: col. 1, line 65-col. 2, line 1). One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of Schultz with the combined teachings of Ballantyne, Evans, and Lavin with the motivation of providing an improved hand-held terminal (Schultz: col. 2, lines 60-63).

(B) As per currently amended claim 29, Ballantyne discloses the system of claim 22, further comprising a connection to an external computer (Ballantyne: abstract; col. 1, line 1-col. 2, line 63; Fig. 1-12B).

4. Claims 30-34, 38 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ballantyne et al. (5,867,821; hereinafter Ballantyne), in view of Evans (5,924,074; hereinafter Evans), in view of Lavin et al. (5,772,585; Lavin) and in view of Schultz et al. (5,679,943; hereinafter Schultz).

(A) As per currently amended claim 30, Ballantyne discloses a method of automatically associating information with an individual identified by an identifier, said method comprising:

(1) storing said information in a personal assistant (Ballantyne: abstract; col. 1, line 1-col. 2, line 63; Fig. 1-12B); and

(2) recording a voice file associated with said information (Ballantyne: abstract; col. 1, line 1-col. 2, line 63; Fig. 1-12B).

Ballantyne, however, fails to expressly disclose a method of automatically associating information with an individual identified by an identifier, said method comprising:

(3) wherein said personal assistant comprises an alpha-numeric scanner; (4) scanning an identifier using an alpha-numeric scanner and relating said identifier with said voice file;

(5) automatically associating the identifier with the information.

Nevertheless, this feature is old and well known in the art, as evidenced by Evans and Schultz. In particular, Evans and Schultz disclose a method of automatically associating information with an individual identified by an identifier, said method comprising:

(3) wherein said personal assistant comprises an alpha-numeric scanner

(Schultz: abstract; col. 6, lines 50-61);

(4) scanning an identifier using an alpha-numeric scanner (Schultz: abstract; col. 6, lines 50-61) and relating said identifier with said voice file (Evans: abstract; col. 1, line 1-col. 3, line 43; Fig. 1-24); and

(5) automatically associating the identifier with the information (Evans: abstract; col. 1, line 1-col. 3, line 43; Fig. 1-24).

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of Evans with the teachings of Ballantyne with the motivation of storing

medical records in personal digital assistants (Evans: col. 1, lines 5-10).

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of Schultz with the combined teachings of Ballantyne, Evans, and Lavin with the motivation of providing an improved hand-held terminal (Schultz: col. 2, lines 60-63).

(B) As per currently amended claim 31, Ballantyne discloses the method of claim 30, wherein an identifier is a first alpha-numeric code uniquely associated with the individual (Ballantyne: abstract; col. 1, line 1-col. 2, line 63; Fig. 1-12B).

Nevertheless, these features are old and well known in the art, as evidenced by Schultz. In particular, Schultz discloses the method of claim 30, wherein the step of scanning an identifier is the act of scanning a first alpha-numeric code (Schultz: abstract; col. 2, lines 40-60; col. 6, line 15, col. 8, line 2; Fig. 1-74).

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of Schultz with the combined teachings of Ballantyne, Evans and Lavin with the motivation of providing an improved hand-held terminal (Schultz: col. 2, lines 60-63).

(C) Claims 32-35 substantially repeat the same limitations of claim 31 and therefore, are rejected for the same reasons given for that claim and incorporated herein.

Moreover, Examiner notes that Applicant's duplication of bar codes (e.g., a second bar code associated with the information; scanning the second bar code, associating the information associated with the second bar code, etc.) has no patentable significance unless a new and unexpected result is produced. In re Hacza, 274 F. 2d 669, 124 USPQ

378 (CCPA 1960).

(D) Claims 38 and 41 substantially repeat the same limitations as those of claim 22 and therefore, are rejected for the same reasons given for that claim and incorporated herein.

Response to Arguments

5. Applicant's arguments filed on May 13, 2008 have been fully considered but they are not persuasive.

Applicants argue that the references used in the rejection do not teach a personal assistant comprising an alpha-numeric scanner or an alpha-number scanner being integral with a personal assistant.

In response, the Office respectfully disagrees and submits that *Schultz* does indeed teach, suggest and disclose an alpha-numeric scanner integral with a personal assistant. First, *Schultz* discloses a hand-held computer (i.e., personal assistant) having a bar code reader/scanner (*Schultz*: abstract; fig. 1-12). As readily apparent to one of ordinary skill in the art, a bar code (i.e., a series of bars and spaces encoded to correspond to alpha-numeric characters, such as a UPC symbol, etc.) is an alpha-numeric code, e.g., the *Schultz* personal assistant is a alpha-numeric scanner.

Second, *Schultz* discloses that the scanner is a CCD or laser scanner (*Schultz*:

Col. 6, lines 50-61)--devices well known for their alpha-numeric scanning capabilities.

In short, the combined teachings of *Ballantyne, Evans, Lavin* and *Schultz*, do indeed teach, suggest, and disclose Applicant's claimed invention, as recited in the

Applicant's remaining arguments in the response filed 10/3/07 rely on or re-has the issues addressed above and in the previous Office Action and therefore, are moot in view of the responses given previously and incorporated therein.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vivek Koppikar, whose telephone number is (571) 272-5109. The examiner can normally be reached from Monday to Friday between 8 AM and 4:30 PM.

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, C. Luke Gilligan, can be reached at (571) 272-6770. The fax telephone numbers for

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this group are either (571) 273-8300 or (703) 872-9326 (for official communications including After Final communications labeled "Box AF").

Another resource that is available to applicants is the Patent Application Information Retrieval (PAIR). Information regarding the status of an application can be obtained from the (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAX. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, please feel free to contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sincerely,
Vivek Koppikar
7/23/2008

/Robert Morgan/
Primary Examiner, Art Unit 3626

Application Number**Application/Control No.**

10/725,198

**Applicant(s)/Patent under
Reexamination**

MORETON ET AL.

Examiner

VIVEK D. KOPPIKAR

Art Unit

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